IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.337 OF 2004

IN

SUMMARY SUIT NO.175 OF 2004

Bobcards Ltd ....**Plffs.**

vs.

Mahesh A.Thaker .....**Defnds.**

Iqbal Panjwani for the plaintiffs.

Sanjay Jain i/b. R. Jain for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 22ND AUGUST 2005.

P.C. :

1. The present suit is filed for the recovery of the amount under the credit card issued by the plaintiff bank. The last payment by the cheque is of 20.7.98 of Rs.5,000/-. From that date the suit is barred by the law of limitation. Though the learned counsel relies upon an entry of Rs.340/- dt. 6.2.2001 which is allege payment by the defendant to the plaintiff

in cash. Admittedly the so called entry is payment by cash. In that view of the matter triable issue arises in the present suit. Unconditional leave to defend the suit is granted.

2. Suit is transferred to the list of Commercial Causes. Written statement or points of defence to be filed four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

sd/-

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